

A. INTRODUCTION

The intent of this manual is to instruct those who are preparing plans and parcel files for the acquisition of highway right of way. The right of way is intended to encompass the construction and maintenance needs of the highway. Right of way lines should be as aesthetically functional as possible with due regard to maintenance problems by both the landowner and the State of Iowa. This manual does not cover all situations. Direction by the supervisor may be required.

01. EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

In an effort to discover minority and female abstractors, the Right of Way Design section performs a survey of abstracting firms each year.

All work accomplished in the Design Section is done without regard to race, color or national origin in compliance with TITLE VI OF THE CIVIL RIGHTS ACT OF 1964.

02. PURPOSE OF RIGHT OF WAY DESIGN

The Right of Way Design Section operates under the supervision of the Right of Way Director and is located in the Central Office in Ames. The section is supervised by a Right of Way Design Supervisor.

The Right of Way Design Section's basic purpose is to produce and maintain a set of right of way plans for a project that are accurate, legible, clear and concise so as to be understood by landowners and Department personnel alike. The section develops and maintains plats, plot plans and summary sheets, and supporting data necessary to affect a successful appraisal and acquisition process and to ensure project cost participation from the Federal Highway Administration.

The Right of Way Design Section provides title search data for the other sections of the Office of Right of Way and to other offices of the Engineering Bureau. It establishes a right of way line which encompasses the construction need line. It ensures the Engineering Bureau that the Department of Transportation right of way policy, access management policy and the right of way requirements of federal and state laws and regulations are met.

Personnel in the section work through the section supervisor in conjunction with other sections of the Office of Right of Way and with other offices of the Engineering Bureau. They review the Office of Design construction needs and ensure that the area of the proposed right of way meets those needs. The proposed right of way should encompass the areas necessary to produce the fills, cuts, mitigation sites or borrow material required for the construction and maintenance of the project. The Office of Right of Way personnel conduct office reviews and participate in field inspections necessary to ensure application of right of way design principles and concepts.

03. TYPES OF RIGHT OF WAY ACQUIRED IN THE STATE OF IOWA

The uses for which right of way is acquired in the State of Iowa fall into five main categories. These are classified as follows:

- a. Permanent Right of Way - the minimum land that will be required for the completed highway and its maintenance as long as the road shall exist. Permanent right of way is normally acquired in fee simple on highways in urban areas and where access rights are acquired in both urban and rural areas. Acquisition by fee simple means that all of the property owners' rights are acquired and terminated. On rural projects where access rights are not acquired, the right of way is normally

acquired by permanent easement. The decision to acquire right of way by fee simple or permanent easement is made after discussing the project with the Right of Way Design Supervisor.

- b. Underlying Fee – Underlying fee is a term used for that area of existing right of way held by permanent easement that will be converted to fee simple title with the project. The area calculation is indicated on the summary sheet but is not depicted on the plans or plot plans. It is assumed that this area is encompassed by the proposed fee acquisition line. In rare cases where the underlying fee is difficult to distinguish, it may be indicated on the plot plan only. This is not to be common practice.
- c. Special Purpose Permanent Easement - land that is necessary for the construction and maintenance of auxiliary features such as dikes, storm sewers, sanitary sewers, stream control devices, etc., is acquired by permanent easement to construct and maintain. This permanent easement gives the State the right to use the land for a specific purpose. The owner retains underlying title to the land and, if and when the land is no longer required for the specific purpose for which it was acquired, it may be abandoned.
- d. Temporary Easement - land which is required for use of a temporary nature during the construction of a project. This is normally a construction right only and after the necessary construction is completed, the state retains no right of any nature to the property. Temporary easements are used for, among other things, construction of channel changes, haul roads, borrow areas, detours, building removal, relocating tile, construction of entrances serving one property owner, and in very isolated cases, the construction of slopes. The use for construction of slopes is normally limited to urban projects where normal procedure dictates that fee title is acquired 2 feet beyond the walk and any necessary shaping beyond that point is done by temporary easement.
- e. Flowage and Ponding Easements – Ponding rights are normally acquired when the state reduces the size of a structure under the road and by doing so reduces the flowage rate causing ponding for a limited time (flowage easement) or when the inlet of a structure is raised thereby causing ponding for an indefinite period of time (ponding easement). In each case, these are special purpose permanent easements.
- f. Access Control – access control is established in accordance with Chapter 112, Primary Road Access Control of the Administrative Rules and Regulations as set forth by the Department of Transportation.

04.SYMBOL SYSTEM FOR RIGHT OF WAY PLANS

The types of right of way on the right of way plans are denoted by different symbols at each break point as follows:

	PROPOSED FEE SIMPLE TITLE
	EXISTING RIGHT OF WAY
	EXISTING AND PROPOSED FEE SIMPLE TITLE RIGHT OF WAY
	PROPOSED PERMANENT EASEMENT RIGHT OF WAY
	EXISTING AND PROPOSED PERMANENT EASEMENT RIGHT OF WAY
	EASEMENT (TEMPORARY)
	BORROW
	EXCESS LAND
	PROPERTY LINE
	ACCESS CONTROL

A flagging system to denote station plus and centerline distances will be used at each right of way breakpoint. It should be noted that they are meant to denote distances and pluses normal or concentric to centerline. Any exception to this rule will be noted on the plan sheets.

The limits of a proposed excess land purchase should be denoted. The proposed permanent right of way line through the excess land shall be dashed and labeled as future right of way line. The future right of way line is shown on plans at the time when submitted to the Appraisal section. The future right of way line is not shown on the hearing display.

Access control status will be noted on each plan sheet (R/W & C/A) on proposed right of way line on each side of the sheet. In those cases where we have previously acquired access rights and the right of way line and the access control line are not coincidental, special notations must be made which explain the situation. Access control limits for side roads shall be noted and plotted on the side road plan sheets.

A notation should be made on temporary easement areas to denote their purpose.

05. RIGHT OF WAY DESIGN BY CONSULTANTS

It shall be the responsibility of the consulting engineer to perform the following functions in order to complete the right of way design phase of the project contract per the Right of Way Manual. Prior to beginning the right of way design for the project, the consulting engineer should contact the consultant coordinator.

- a. Determine and show a permanent right of way either by fee simple or permanent easement and/or access control line on the right of way plans for the project. Review with the Consultant Coordinator to determine type of R/W to be acquired.
- b. Determine and show all temporary easements needed for the construction and completion of the project.
- c. Establish parcel numbers as required for a project. Perform the initial and preliminary title search needed to determine the ownership of each parcel of property along the project limits. Provide a copy of reports of lien to Consultant Coordinator and District Land Surveyor. Recertification of

title and report of liens will only be done by the consultant if requested by Right of Way Consultant Coordinator. Ownerships should be verified from the county Auditor's office prior to the D5 submittal. Any changes in ownerships should be reflected in the submittal.

- d. Establish and show all existing roadway easements and property lines if not provided by the District Land Surveyor.
- e. Supply the Office of Right of Way with an ownership map on plan "A" sheets showing the property ownership along the proposed project. Also show all borrow locations. The ownership maps should be supplied as soon as they become available.
- f. A preliminary strip map and six plot plan and summary sheets shall be provided as soon as approximately two miles of proposed right of way has been established. This submittal is to be in electronic format. Based upon review and comment by the Consultant Coordinator, the remainder of the project will be completed and submitted for review. The strip map should include: existing ROW, proposed ROW and temporary easements (with station breaks), property ownership limits, parcel numbers, existing physical features, drainage structures and the existing and proposed centerline.
- g. Preliminary plans for the right of way field exam shall be submitted by the D5 event as per the Iowa DOT Production schedule. The Office of Right of Way will thoroughly review the plans for errors, omissions, and adherence to the Right of Way Design policy and instructions. The right of way field exam will be scheduled by the Office of Right of Way when it is determined the consultant will be able to supply final field exam plans. The consultant will provide up to two representatives for the field exam. The Right of Way Field Exam Coordinator will make notations to the plans as to any recommendations, suggestions, errors or omissions during the field exam. The original set of plans will be forwarded to the consultant with a copy retained by the Office of Right of Way prior to the R1 event date. Upon completion of the corrections, the consultant will submit the final right of way plans to the Office of Right of Way. The plans will then be rechecked for a final review. In the event additional errors and omissions become evident, a memorandum will be sent to the consultant addressing any necessary corrections.
- h. Compile a complete parcel file for each property involved with the project.
- i. An electronic file and paper copy of all PLOT PLAN and SUMMARY of ACQUISITION sheets and parcel checklist for a project should be submitted two weeks prior to the public hearing date.
- j. All electronic files needed to produce Right of Way plans, Right of Way form PLOT PLAN and SUMMARY of PROPOSED ACQUISITION will be provided by the date of the public hearing in a MicroStation file format. The "H" sheets (Right of Way Sheets) will comply with the guide "Creating ROW H Sheet Using Existing Plan Sheets." The Plot Plans and summaries will comply with "A Guide to the Preparation of Plot Plans and Summary Sheets." This will also include all Geopak files. A CD with all files needed to produce the public hearing display along with plans and cross sections will also be provided by the date of the public hearing.
- k. Provide an excess land plat for all excess land on the project.

All of the above functions shall comply with the detailed right of way instructions, procedures and regulations that are contained herein.

B. RECEIVED PLAN SUBMITTAL (D5)

01.ACCEPTANCE OF D5

The Office of Right of Way receives plan submittals from various sources including The Office of Design, Office of Location and Environment, Districts and Cities.

The Design Section is responsible for acceptance of all projects submitted to the Office of Right of Way. All projects must meet criteria established in the “D5 Checklist” guide used by the Office of Design. If discrepancies are found, the submitting source is contacted in an attempt to rectify the situation. After acceptance of the project, an assignment letter is sent to the squad in the Design Section that will be working on the project.

Projects requiring right of way are entered into both the Project Scheduling system (PSS) and Parcel Tracking system. The Design Section is responsible for entering all required parcels into the parcel tracking system along with information specific to each parcel including required acreage, ownership, etc. This information is entered very early in the right of way process. When the project is transmitted from the Design Section to the Appraisal Section, the location of each parcel is changed in Parcel Tracking so that the location of each parcel can be easily determined at any time during the right of way process.

A Project House File is kept for each project. This file consists of all information pertaining to the project and is a complete right of way design history of the project. The Project File is kept and maintained by the design squad responsible for the project.

At the time of D5 submittal, the right of way schedule is reviewed to verify that it is still attainable. If the schedule appears to be unrealistic, the Design Section Supervisor will be notified so that a new schedule can be proposed. Also at this time the development cost estimate is reviewed and adjusted, if necessary, after consultation with the supervisor.

02.SCHEDULING OF RIGHT OF WAY DESIGN WORK

Work assignments are made by the Right of Way Plans and Estimating Coordinator. With each assignment, a time schedule is proposed in general agreement with the Planning and Programming Division schedule relating to the Department of Transportation’s five-year construction program. Compliance with this proposed work schedule is continually reviewed by the Design Supervisor through the project design technicians and unusual or major right of way design delays are made known to the Office of Right of Way Director.

Right of way design performed by consultants, as a part of an overall design contract authorized by the Office of Design, is monitored by the Right of Way Design Section in cooperation with the Office of Design. The field exams and liaison with the design consultant are coordinated throughout the Office of Design Consultant Coordinating Engineer. The Right of Way Design Consultant Coordinator is responsible for administering the right of way design work performed by the consultant. The work product of the consultant is checked and any corrections or revisions are transmitted to the design consultant for proper action.